

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1729 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-1-8-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) No individual
- 5 may be compelled by any state agency, board, commission, department,
- 6 bureau, or other entity of state government (referred to as "state
- 7 agency" in this chapter) to provide the individual's Social Security
- 8 number to the state agency against the individual's will, absent federal
- 9 requirements to the contrary. However, the provisions of this chapter
- 10 do not apply to the following:
- 11 (1) Department of state revenue.
- 12 (2) Department of workforce development.
- 13 (3) The programs administered by:
- 14 (A) the division of family and children;
- 15 (B) the division of mental health;
- 16 (C) the division of disability, aging, and rehabilitative
- 17 services; and
- 18 (D) the office of Medicaid policy and planning;
- 19 of the office of the secretary of family and social services.
- 20 (4) Auditor of state.
- 21 (5) State personnel department.
- 22 (6) Secretary of state, with respect to the registration of
- 23 broker-dealers, agents, and investment advisors.
- 24 (7) The legislative ethics commission, with respect to the
- 25 registration of lobbyists.
- 26 (8) Indiana department of administration, with respect to bidders
- 27 on contracts.



- (9) Indiana department of transportation, with respect to bidders on contracts.
- (10) Health professions bureau.
- (11) Indiana professional licensing agency.
- (12) Indiana department of insurance, with respect to licensing of insurance agents.
- (13) A pension fund administered by the board of trustees of the public employees' retirement fund.
- (14) The Indiana state teachers' retirement fund.
- (15) The state police benefit system.

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

- (1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.
- (2) That an individual include the individual's Social Security number on an application for registration.
- (3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, the health professions bureau, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

~~(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:~~

- ~~(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.~~
- ~~(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.~~

SECTION 2. IC 4-15-2-3.8, AS AMENDED BY P.L.119-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3.8. "State service" means public service by:

- (1) employees and officers, including the incumbent directors, of the county offices of family and children; and
- (2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability, aging, and rehabilitative services, Fort Wayne State Developmental Center, Muscatatuck State Developmental Center, division of mental health, Larue D.



Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Central State Hospital, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, department of fire and building services, state emergency management agency (excluding a county emergency management organization and any other local emergency management organization created under IC 10-4-1), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family and children, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, ~~Indiana horse racing commission~~, and state personnel department.

SECTION 3. IC 4-22-2-37.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

- (1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.
- (2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- (3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
- (4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
- (5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
- (6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.
- (7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
- (8) An emergency rule jointly adopted by the water pollution control board and the budget agency under IC 13-18-13-18.
- (9) An emergency rule adopted by the state lottery commission



under IC 4-30-3-9.

(10) A rule adopted under IC 16-19-3-5 that the executive board of the state department of health declares is necessary to meet an emergency.

(11) An emergency rule adopted by the Indiana transportation finance authority under IC 8-21-12.

(12) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.

~~(13) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.~~

~~(14)~~ **(13)** An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by federal law, provided:

(A) the variance procedures are included in the rules; and

(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

~~(15)~~ **(14)** An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

~~(16)~~ **(15)** An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

~~(17) An emergency rule adopted by the Indiana gaming commission under IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.~~

~~(18)~~ **(16)** An emergency rule adopted by the alcoholic beverage commission under ~~IC 7.1-3-17.5~~, IC 7.1-3-17.7 or IC 7.1-3-20-24.4.

~~(19)~~ **(17)** An emergency rule adopted by the department of financial institutions under IC 28-15-11.

~~(20)~~ **(18)** An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.

~~(21)~~ **(19)** An emergency rule adopted by the office of the children's health inservice program under IC 12-17.6-2-11.

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the secretary of state for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The secretary of state shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the secretary of state



1 shall:

- 2 (1) accept the rule for filing; and  
 3 (2) file stamp and indicate the date and time that the rule is  
 4 accepted on every duplicate original copy submitted.

5 (f) A rule described in subsection (a) takes effect on the latest of  
 6 the following dates:

- 7 (1) The effective date of the statute delegating authority to the  
 8 agency to adopt the rule.  
 9 (2) The date and time that the rule is accepted for filing under  
 10 subsection (e).  
 11 (3) The effective date stated by the adopting agency in the rule.  
 12 (4) The date of compliance with every requirement established  
 13 by law as a prerequisite to the adoption or effectiveness of the  
 14 rule.

15 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, and  
 16 IC 22-8-1.1-16.1, a rule adopted under this section expires not later  
 17 than ninety (90) days after the rule is accepted for filing under  
 18 subsection (e). Except for a rule adopted under subsection (a)(14), the  
 19 rule may be extended by adopting another rule under this section, but  
 20 only for one (1) extension period. A rule adopted under subsection  
 21 (a)(14) may be extended for two (2) extension periods. Except for a  
 22 rule adopted under subsection (a)(14), for a rule adopted under this  
 23 section to be effective after one (1) extension period, the rule must be  
 24 adopted under:

- 25 (1) sections 24 through 36 of this chapter; or  
 26 (2) IC 13-14-9;

27 as applicable.

28 (h) A rule described in subsection (a)(6), (a)(9), or (a)(13) expires  
 29 on the earlier of the following dates:

- 30 (1) The expiration date stated by the adopting agency in the rule.  
 31 (2) The date that the rule is amended or repealed by a later rule  
 32 adopted under sections 24 through 36 of this chapter or this  
 33 section.

34 (i) This section may not be used to readopt a rule under  
 35 IC 4-22-2.5.

36 SECTION 4. IC 4-30-17-3.5 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3.5. ~~(a) Two (2)~~  
 38 ~~segregated accounts shall be established within the build Indiana fund~~  
 39 ~~as follows:~~

- 40 ~~(1) The state and local capital projects account.~~  
 41 ~~(2) The lottery and gaming surplus account.~~

42 (b) Upon receiving surplus lottery revenue distributions from the  
 43 state lottery commission, and surplus gaming revenue distributions  
 44 from the state gaming commission, the treasurer of state shall credit the  
 45 surplus lottery revenue and surplus gaming revenue to the lottery and  
 46 gaming surplus account. All money remaining in the lottery and  
 47 gaming surplus account after the transfer required by subsection (c)  
 48 shall be transferred to the state and local capital projects account.

49 **(c) (a) This subsection applies before July 1, 2002.** Before the  
 50 twenty-fifth day of the month, the auditor of state shall transfer from



the lottery and gaming surplus account to the state general fund motor vehicle excise tax replacement account an amount equal to the following:

(1) In calendar year 1996, eleven million six hundred twenty-five thousand dollars (\$11,625,000) per month.

(2) In calendar year 1997, twelve million nine hundred twenty-five thousand twenty dollars (\$12,925,020) per month.

(3) In calendar year 1998, fifteen million ten thousand dollars (\$15,010,000) per month.

(4) In calendar year 1999, seventeen million one hundred ninety-two thousand dollars (\$17,192,000) per month.

(5) In calendar year 2000 nineteen million four hundred thirty-five thousand two hundred ten dollars (\$19,435,210) per month.

(6) In calendar year 2001 and each year thereafter, nineteen million six hundred eighty-four thousand three hundred seventy dollars (\$19,684,370) per month.

~~(d)~~ **(b)** This subsection applies **before July 1, 2002, and** only if insufficient money is available in the lottery and gaming surplus account of the build Indiana fund to make the distributions to the state general fund motor vehicle excise tax replacement account that are required under subsection ~~(c)~~: **(b)**. Before the twenty-fifth day of each month, the auditor of state shall transfer from the state general fund to the state general fund motor vehicle excise tax replacement account the difference between:

(1) the amount that subsection ~~(c)~~ **(b)** requires the auditor of state to distribute from the lottery and gaming surplus account of the build Indiana fund to the state general fund motor vehicle excise tax replacement account; and

(2) the amount that is available for distribution from the lottery and gaming surplus account in the build Indiana fund to the state general fund motor vehicle excise tax replacement account.

The transfers required under this subsection are annually appropriated from the state general fund.

**(c) Before August 1, 2002, the auditor of state shall transfer money remaining in the lottery and gaming surplus account after the repeal of IC 4-30-17-3 to the motor vehicle excise tax replacement account."**

Page 5, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 5. IC 5-2-5-1, AS AMENDED BY P.L.24-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. The following definitions apply throughout this chapter:

(1) "Limited criminal history" means information with respect to any arrest, indictment, information, or other formal criminal charge, which must include a disposition. However, information about any arrest, indictment, information, or other formal criminal charge which occurred less than one (1) year before the



date of a request shall be considered a limited criminal history even if no disposition has been entered.

(2) "Bias crime" means an offense in which the person who committed the offense knowingly or intentionally:

(A) selected the person who was injured; or

(B) damaged or otherwise affected property;

by the offense because of the color, creed, disability, national origin, race, religion, or sexual orientation of the injured person or of the owner or occupant of the affected property or because the injured person or owner or occupant of the affected property was associated with any other recognizable group or affiliation.

(3) "Council" means the security and privacy council created under section 11 of this chapter.

(4) "Criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

The term consists of the following:

(A) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.

(B) Information regarding an offender (as defined in IC 5-2-12-4) obtained through sex offender registration under IC 5-2-12.

(C) Any disposition, including sentencing, and correctional system intake, transfer, and release.

(5) "Criminal justice agency" means any agency or department of any level of government whose principal function is the apprehension, prosecution, adjudication, incarceration, probation, rehabilitation, or representation of criminal offenders, the location of parents with child support obligations under 42 U.S.C. 653. ~~the licensing and regulating of riverboat gambling operations; or the licensing and regulating of pari-mutuel horse racing operations.~~ The term includes the Medicaid fraud control unit for the purpose of investigating offenses involving Medicaid. The term includes a nongovernmental entity that performs as its principal function the:

(A) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders; **or**

(B) location of parents with child support obligations under 42 U.S.C. 653;

~~(C) licensing and regulating of riverboat gambling operations; or~~

~~(D) licensing and regulating of pari-mutuel horse racing operations;~~

under a contract with an agency or department of any level of government.

(6) "Department" means the state police department.

(7) "Disposition" means information disclosing that criminal proceedings have been concluded or indefinitely postponed.

(8) "Inspection" means visual perusal and includes the right to make memoranda abstracts of the information.



- 1 (9) "Institute" means the Indiana criminal justice institute  
 2 established under IC 5-2-6.
- 3 (10) "Law enforcement agency" means an agency or a  
 4 department of any level of government whose principal function  
 5 is the apprehension of criminal offenders.
- 6 (11) "Protective order" has the meaning set forth in IC 5-2-9-2.1.
- 7 (12) "Release" means the furnishing of a copy, or an edited copy,  
 8 of criminal history data.
- 9 (13) "Reportable offenses" means all felonies and those Class A  
 10 misdemeanors which the superintendent may designate.
- 11 (14) "Request" means the asking for release or inspection of a  
 12 limited criminal history by noncriminal justice organizations or  
 13 individuals in a manner which:
- 14 (A) reasonably ensures the identification of the subject of  
 15 the inquiry; and
- 16 (B) contains a statement of the purpose for which the  
 17 information is requested.
- 18 (15) "Unidentified person" means a deceased or mentally  
 19 incapacitated person whose identity is unknown.
- 20 SECTION 6. IC 5-3-4-2 IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2002]: Sec. 2. As used in this chapter,  
 22 "governmental body" means any of the following:
- 23 (1) A state agency (as defined in IC 4-13-1-1).
- 24 (2) The legislative department of state government.
- 25 (3) The judicial department of state government.
- 26 (4) A political subdivision (as defined in IC 36-1-2-13).
- 27 (5) A state educational institution (as defined in IC 20-12-0.5-1).
- 28 (6) An instrumentality of the state that performs essential  
 29 governmental functions.
- 30 ~~(7) The state lottery commission created by IC 4-30-3-1.~~
- 31 SECTION 7. IC 5-10.3-7-2 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. The following  
 33 employees may not be members of the fund:
- 34 (1) Officials of a political subdivision elected by vote of the  
 35 people, unless the governing body specifically provides for the  
 36 participation of locally elected officials.
- 37 (2) Employees occupying positions normally requiring  
 38 performance of service of less than six hundred (600) hours  
 39 during a year who:
- 40 (A) were hired before July 1, 1982; or
- 41 (B) are employed by a participating school corporation.
- 42 (3) Independent contractors or officers or employees paid wholly  
 43 on a fee basis.
- 44 (4) Employees who occupy positions that are covered by other  
 45 pension or retirement funds or plans, maintained in whole or in  
 46 part by appropriations by the state or a political subdivision,  
 47 except:
- 48 (A) the federal Social Security program; and
- 49 (B) the prosecuting attorneys retirement fund created by  
 50 IC 33-14-9.



(5) Managers or employees of a license branch of the bureau of motor vehicles commission, except those persons who may be included as members under IC 9-16-4.

(6) Employees, except employees of a participating school corporation, hired after June 30, 1982, occupying positions normally requiring performance of service of less than one thousand (1,000) hours during a year.

(7) Persons who:

(A) are employed by the state;

(B) have been classified as federal employees by the Secretary of Agriculture of the United States; and

(C) are covered by the federal Social Security program as federal employees under 42 U.S.C. 410.

~~(8) Members and employees of the state lottery commission.~~

SECTION 8. IC 5-14-1.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. For the purposes of this chapter:

(a) "Public agency" means the following:

(1) Any board, commission, department, agency, authority, or other entity, by whatever name designated, exercising a portion of the executive, administrative, or legislative power of the state.

(2) Any county, township, school corporation, city, town, political subdivision, or other entity, by whatever name designated, exercising in a limited geographical area the executive, administrative, or legislative power of the state or a delegated local governmental power.

(3) Any entity which is subject to either:

(A) budget review by either the state board of tax commissioners or the governing body of a county, city, town, township, or school corporation; or

(B) audit by the state board of accounts.

(4) Any building corporation of a political subdivision of the state of Indiana that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

~~(6) The Indiana gaming commission established by IC 4-33, including any department, division, or office of the commission.~~

~~(7) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.~~

(b) "Governing body" means two (2) or more individuals who are:

(1) a public agency that:

(A) is a board, a commission, an authority, a council, a committee, a body, or other entity; and

(B) takes official action on public business;

(2) the board, commission, council, or other body of a public agency which takes official action upon public business; or

(3) any committee appointed directly by the governing body or



its presiding officer to which authority to take official action upon public business has been delegated. An agent or agents appointed by a school corporation to conduct collective bargaining on behalf of that school corporation does not constitute a governing body for purposes of this chapter.

(c) "Meeting" means a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business. It does not include:

- (1) any social or chance gathering not intended to avoid this chapter;
- (2) any on-site inspection of any project or program;
- (3) traveling to and attending meetings of organizations devoted to betterment of government; or
- (4) a caucus.

(d) "Official action" means to:

- (1) receive information;
- (2) deliberate;
- (3) make recommendations;
- (4) establish policy;
- (5) make decisions; or
- (6) take final action.

(e) "Public business" means any function upon which the public agency is empowered or authorized to take official action.

(f) "Executive session" means a meeting from which the public is excluded, except the governing body may admit those persons necessary to carry out its purpose.

(g) "Final action" means a vote by the governing body on any motion, proposal, resolution, rule, regulation, ordinance, or order.

(h) "Caucus" means a gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action.

(i) "Deliberate" means a discussion which may reasonably be expected to result in official action (defined under subsection (d)(3), (d)(4), (d)(5), or (d)(6)).

(j) "News media" means all newspapers qualified to receive legal advertisements under IC 5-3-1, all news services (as defined in IC 34-6-2-87), and all licensed commercial or public radio or television stations.

(k) "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

SECTION 9. IC 5-14-3-2, AS AMENDED BY P.L.256-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. As used in this chapter:

"Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

"Direct cost" means one hundred five percent (105%) of the sum



1 of the cost of:

- 2 (1) the initial development of a program, if any;
- 3 (2) the labor required to retrieve electronically stored data; and
- 4 (3) any medium used for electronic output;

5 for providing a duplicate of electronically stored data onto a disk, tape,  
6 drum, or other medium of electronic data retrieval under section 8(g)  
7 of this chapter, or for reprogramming a computer system under section  
8 6(c) of this chapter.

9 "Electronic map" means copyrighted data provided by a public  
10 agency from an electronic geographic information system.

11 "Enhanced access" means the inspection of a public record by a  
12 person other than a governmental entity and that:

- 13 (1) is by means of an electronic device other than an electronic  
14 device provided by a public agency in the office of the public  
15 agency; or
- 16 (2) requires the compilation or creation of a list or report that  
17 does not result in the permanent electronic storage of the  
18 information.

19 "Facsimile machine" means a machine that electronically transmits  
20 exact images through connection with a telephone network.

21 "Inspect" includes the right to do the following:

- 22 (1) Manually transcribe and make notes, abstracts, or  
23 memoranda.
- 24 (2) In the case of tape recordings or other aural public records,  
25 to listen and manually transcribe or duplicate, or make notes,  
26 abstracts, or other memoranda from them.
- 27 (3) In the case of public records available:

28 (A) by enhanced access under section 3.5 of this chapter; or  
29 (B) to a governmental entity under section 3(c)(2) of this  
30 chapter;

31 to examine and copy the public records by use of an electronic  
32 device.

- 33 (4) In the case of electronically stored data, to manually  
34 transcribe and make notes, abstracts, or memoranda or to  
35 duplicate the data onto a disk, tape, drum, or any other medium  
36 of electronic storage.

37 "Investigatory record" means information compiled in the course  
38 of the investigation of a crime.

39 "Patient" has the meaning set out in IC 16-18-2-272(d).

40 "Person" means an individual, a corporation, a limited liability  
41 company, a partnership, an unincorporated association, or a  
42 governmental entity.

43 "Provider" has the meaning set out in IC 16-18-2-295(a) and  
44 includes employees of the state department of health or local boards of  
45 health who create patient records at the request of another provider or  
46 who are social workers and create records concerning the family  
47 background of children who may need assistance.

48 "Public agency" means the following:

- 49 (1) Any board, commission, department, division, bureau,  
50 committee, agency, office, instrumentality, or authority, by



whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the state board of tax commissioners or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcoholic beverage commission, **and** conservation officers of the department of natural resources. ~~and the security division of the state lottery commission.~~

(7) Any license branch staffed by employees of the bureau of motor vehicles commission under IC 9-16.

~~(8) The state lottery commission, including any department, division, or office of the commission.~~

~~(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.~~

~~(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.~~

"Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, used, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

"Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper



1 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight  
2 and one-half (8 1/2) inches by fourteen (14) inches.

3 "Trade secret" has the meaning set forth in IC 24-2-3-2.

4 "Work product of an attorney" means information compiled by an  
5 attorney in reasonable anticipation of litigation and includes the  
6 attorney's:

7 (1) notes and statements taken during interviews of prospective  
8 witnesses; and

9 (2) legal research or records, correspondence, reports, or  
10 memoranda to the extent that each contains the attorney's  
11 opinions, theories, or conclusions.

12 This definition does not restrict the application of any exception under  
13 section 4 of this chapter."

14 Page 44, between lines 15 and 16, begin a new paragraph  
15 and insert:

16 "SECTION 10. IC 5-22-15-1 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) This chapter  
18 applies to a purchase of supplies under this article by any of the  
19 following:

20 (1) A governmental body.

21 (2) A state educational institution.

22 (3) An instrumentality of the state that performs essential  
23 governmental functions on either a statewide or local basis.

24 ~~(4) The state lottery commission created by IC 4-30-3-1.~~

25 (b) This chapter applies to a purchase made under IC 5-17-1.

26 SECTION 11. IC 5-22-15-20 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 20. ~~(a) This section~~  
28 ~~does not apply to the state lottery commission created by IC 4-30-3-1.~~

29 ~~(b)~~ (a) As used in this section, "out-of-state business" refers to a  
30 business that is not an Indiana business.

31 ~~(c)~~ (b) A governmental body may adopt rules to give a preference  
32 to an Indiana business that submits an offer for a purchase under this  
33 article if all of the following apply:

34 (1) An out-of-state business submits an offer for the purchase.

35 (2) The out-of-state business is a business from a state that gives  
36 purchase preferences unfavorable to Indiana businesses.

37 ~~(d)~~ (c) Rules adopted under subsection ~~(c)~~ (b) must establish  
38 criteria for determining the following:

39 (1) Whether an offeror qualifies as an Indiana business under the  
40 rules.

41 (2) When another state's preference is unfavorable to Indiana  
42 businesses.

43 (3) The method by which the preference for Indiana businesses  
44 is to be computed.

~~(c)~~ (d) Rules adopted under subsection ~~(c)~~ (b) may not give a  
preference to an Indiana business that is more favorable to the Indiana  
business than the other state's preference is to the other state's  
businesses.

SECTION 12. IC 5-22-15-21 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 21. ~~(a) This section does not apply to the state lottery commission created by IC 4-30-3-1.~~

~~(b)~~ **(a)** A governmental body shall adopt rules to promote the purchase of supplies manufactured in the United States.

~~(c)~~ **(b)** Rules adopted under subsection ~~(b)~~ **(a)** shall provide that supplies manufactured in the United States shall be specified and purchased unless the governmental body determines that any of the following apply:

- (1) The supplies are not manufactured in the United States in reasonably available quantities.
- (2) The price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured outside the United States.
- (3) The quality of the supplies is substantially less than the quality of comparably priced available supplies manufactured outside the United States.
- (4) The purchase of supplies manufactured in the United States is not in the public interest.

SECTION 13. IC 5-22-15-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 22. ~~(a) This section does not apply to the state lottery commission created by IC 4-30-3-1.~~

~~(b)~~ **(a)** This section does not apply if federal law requires the use of low sulphur coal in the circumstances for which the coal is purchased.

~~(c)~~ **(b)** Whenever a purchasing agent purchases coal for use as fuel, the purchasing agent shall give an absolute preference to coal mined in Indiana.

SECTION 14. IC 6-1.1-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 15. "Real property" means:

- (1) land located within this state;
- (2) a building or fixture situated on land located within this state;
- (3) an appurtenance to land located within this state; **and**
- (4) an estate in land located within this state, or an estate, right, or privilege in mines located on or minerals, including but not limited to oil or gas, located in the land, if the estate, right, or privilege is distinct from the ownership of the surface of the land. **and**
- ~~(5) notwithstanding IC 6-6-6-7, a riverboat licensed under the provisions of IC 4-33 for which the state board of tax commissioners shall prescribe standards to be used by township assessors.~~

SECTION 15. IC 6-2.1-3-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 34. Gross income from the sale of lottery tickets authorized by IC 4-30 **before July 1, 2002**, is exempt from the gross income tax.

SECTION 16. IC 6-2.1-3-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 35. Gross receipts from a gambling game (as defined in IC 4-33-2-9) conducted by an entity that possesses an owner's license issued under IC 4-33-6 **before July**



**1, 2002**, is exempt from the gross income tax.

SECTION 17. IC 6-3-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. Prize money received from a winning lottery ticket purchased under IC 4-30 **before July 1, 2002**, is exempt from the adjusted gross income tax and supplemental net income tax imposed by this article.

SECTION 18. IC 6-6-5-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9.5. (a) Before the twentieth day of each month the bureau shall do the following:

(1) Determine the amount of excise taxes that would have been collected for each county for the preceding month based on the tax rate schedule that was in effect on January 1, 1995.

(2) Determine and report to the auditor of state the difference between what was actually collected for each county for that month and what would have been collected at the January 1, 1995, rates.

(b) For the months of January through November, the auditor of state shall determine a monthly uniform disbursement percentage to be applied in determining the amount of motor vehicle excise tax replacement money to be disbursed to each county. The monthly uniform disbursement percentage equals the quotient of the sum of the amounts transferred under IC 4-30-17-3.5 plus the amounts transferred under subsections (f) and (g) to the motor vehicle excise tax replacement account in the month of the bureau's report divided by the sum of the total differences for all counties, as determined under subsection (a) and identified in the bureau's report for that month.

(c) For December, the auditor of state shall determine an annual uniform disbursement percentage to be applied in determining the amount of motor vehicle excise tax replacement money to be disbursed to each county in December as an annual adjustment.

(d) The annual uniform disbursement percentage equals the quotient of the sum of the amounts transferred under IC 4-30-17-3.5 plus the amounts transferred under subsections (f) and (g) to the motor vehicle excise tax replacement account in the months of January through December divided by the sum of the total differences for all counties, as determined under subsection (a) and identified in the bureau's reports for the months of January through December.

(e) For the months of January through November, the auditor of state shall distribute to the county the amount of the difference determined under subsection (a) in the month of the bureau's report for that county, multiplied by the monthly uniform disbursement percentage for that month. For December, the auditor shall distribute to the county the total difference in the bureau's reports determined under subsection (a) in the months of January through December for that county, multiplied by the annual uniform disbursement percentage, less the amounts distributed to the county in January through November. However, the total distribution to a county in a calendar year may not exceed the total difference in the bureau's reports determined under subsection (a) in the months of January through December for that county in the year.



(f) The transfers under this subsection are in addition to the transfers required under ~~IC 4-30-17-3.5~~ **IC 4-30-17-3.5(b)** and subsection (g). Before the twenty-fifth day of each month, the auditor of state shall transfer from the state general fund to the state general fund motor vehicle excise tax replacement account the following:

(1) In calendar year 1996, nine million four hundred fifty-one thousand one hundred eighty-five dollars (\$9,451,185).

(2) In calendar year 1997, seven million two hundred seventy-six thousand three hundred seventy-seven dollars (\$7,276,377).

(3) In calendar year 1998, five million one hundred eight thousand fourteen dollars (\$5,108,014).

(4) In calendar year 1999, two million seven hundred seventy-five thousand six hundred nine dollars (\$2,775,609).

(5) In calendar year 2000, three hundred seventy-four thousand six hundred seven dollars (\$374,607).

(6) In calendar year 2001, ~~and thereafter~~, sixteen thousand nine hundred seventy-four dollars (\$16,974).

**(7) In calendar year 2002, the following:**

**(A) Before July 1, 2002, sixteen thousand nine hundred seventy-four dollars (\$16,974).**

**(B) After June 30, 2002, nineteen million seven hundred one thousand three hundred forty-four dollars (\$19,701,344).**

**(8) In calendar year 2003 and thereafter, nineteen million seven hundred one thousand three hundred forty-four dollars (\$19,701,344).**

The transfers required under this subsection are annually appropriated from the state general fund.

(g) This subsection applies only after December 31, 1995, **and before July 1, 2002**, and applies only if insufficient money is available in the lottery and gaming surplus account of the build Indiana fund to make the distributions to the state general fund motor vehicle excise tax replacement account that are required under IC 4-30-17-3.5. Before the twenty-fifth day of each month, the auditor of state shall transfer from the state general fund to the state general fund motor vehicle excise tax replacement account the difference between:

(1) the amount that IC 4-30-17-3.5 requires the auditor of state to distribute from the lottery and gaming surplus account of the build Indiana fund to the state general fund motor vehicle excise tax replacement account; and

(2) the amount that is available under IC 4-30-17-3.5 for distribution from the lottery and gaming surplus account in the build Indiana fund to the state general fund motor vehicle excise tax replacement account.

The transfers required under this subsection are annually appropriated from the state general fund.

**(h) Any money remaining in the motor vehicle excise tax replacement account after the last county distribution in December shall be transferred to the build Indiana fund state and local capital projects account established under IC 4-30-17-3.5. The auditor of state**



shall make the distribution before the end of the month the auditor receives the bureau's report.

(†) (h) The money needed for the distribution shall be withdrawn from the motor vehicle excise tax replacement account. There is appropriated from the state general fund motor vehicle excise tax replacement account, the amount needed to make the distributions required by this section.

(†) (i) Distributions made under this section are considered motor vehicle excise taxes for purposes of allocating revenue among taxing units under this chapter.

SECTION 19. IC 6-8.1-1-1, AS AMENDED BY P.L.181-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. "Listed taxes" or "taxes" includes ~~only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13);~~ the gross income tax (IC 6-2.1); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the bank tax (IC 6-5-10); the savings and loan association tax (IC 6-5-11); the production credit association tax (IC 6-5-12); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); the hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various county food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer."

Page 45, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 20. IC 6-8.1-3-1, AS AMENDED BY P.L.181-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) The department has the primary responsibility for the administration, collection, and enforcement of the listed taxes. In carrying out that responsibility, the department may exercise all the powers conferred on it under this article in respect to any of those taxes.



(b) In the case of the motor vehicle excise tax, the department has the responsibility to act only in the investigation, assessment, collection, and enforcement of the tax in instances of delinquency or evasion. Primary responsibility for the administration and collection of the tax remains with the agencies named in IC 6-6-5.

(c) In the case of commercial vehicle excise taxes that are payable to the bureau of motor vehicles and are not subject to apportionment under the International Registration Plan, the department has the responsibility to act only in the investigation, assessment, collection, and enforcement of the tax in instances of delinquency or evasion. Primary responsibility for the administration and collection of the tax remains with the bureau of motor vehicles.

(d) The department has the primary responsibility for the administration, investigation, and enforcement of IC 4-32 **(before its repeal)**.

SECTION 21. IC 6-8.1-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 18. An employee of the department is vested with full police powers and duties to enforce IC 4-32 **(before its repeal)** and IC 35-45-5 as it relates to violations of IC 4-32 **(before its repeal)**.

SECTION 22. IC 6-9-2.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) There is created a seven (7) member convention and visitor commission (referred to as the "commission" in this chapter), whose purpose it is to promote the development and growth of the convention and visitor industry in said county.

(b) The county council, by majority vote, shall appoint two (2) members of the commission, at least one (1) of whom must be engaged in the hotel or motel business in the county. The county commissioners, by majority vote, shall appoint two (2) members of the commission, at least one (1) of whom must be engaged in the hotel or motel business in the county. The mayor of a municipality in the county that has the largest population, as determined in the federal decennial census, shall appoint three (3) members of the commission. At least one (1) of the members appointed by the mayor must be engaged in the hotel or motel business in the county. ~~Beginning with the next appointment available to the mayor after a riverboat (as defined in IC 4-33-2-17) initially begins operation from the county, at least one (1) of the members appointed by the mayor must represent the interests of riverboats in the county.~~

(c) All terms of office begin on January 1 and end on December 31. Members of the commission appointed by the county council serve two (2) year terms. Members appointed by the county commissioners serve one (1) year terms. Members appointed by the mayor of the largest municipality in the county serve two (2) year terms. A member whose term expires may be reappointed to serve another term. If a vacancy occurs, a qualified person shall be appointed by the original appointing authority to serve for the remainder of the term.

(d) A member of the commission may be removed for cause by his appointing authority.



(e) Members of the commission may not receive a salary. However, commission members shall receive reimbursement for necessary expenses, but only when such necessary expenses are incurred in the performance of their respective duties.

SECTION 23. IC 7.1-3-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) The provisions of sections 4, 5, 5.2, and 5.4 of this chapter concerning retail and dealer partnerships, corporations, limited partnerships, and limited liability companies shall not apply to the issuance of:

- (1) a dining car permit;
- (2) a boat permit;
- (3) a drug store permit;
- (4) a grocery store permit;
- (5) a hotel permit;
- (6) an airplane permit; or
- ~~(7) an excursion and adjacent landsite permit;~~
- ~~(8) a horse track permit;~~
- ~~(9) a satellite facility permit; or~~
- ~~(10)~~ (7) a retail permit to an establishment:
  - (A) that is sufficiently served by adequate law enforcement at its permit location; and
  - (B) whose annual gross food sales at the permit location:
    - (i) exceed one hundred thousand dollars (\$100,000); or
    - (ii) in the case of a new application and as proved by the applicant to the local board and the commission, will exceed two hundred thousand dollars (\$200,000) by the end of the two (2) year period from the date of the issuance of the permit.

(b) The commission shall not issue a permit listed in subsection (a) to a foreign:

- (1) corporation;
- (2) limited partnership; or
- (3) limited liability company;

that is not duly qualified to do business in Indiana."

Page 52, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 24. IC 7.1-4-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) Except as provided in subsection (b), the chairman and the department shall deposit the money collected under sections 1, 2, and 3 of this chapter daily with the treasurer of state, and not later than the fifth day of the following month shall cover them into the general fund of state for general fund purposes.

(b) The chairman and the department shall deposit the money collected under ~~IC 7.1-3-17.5, IC 7.1-3-17.7, IC 7.1-3-22-9, IC 7.1-4-1-6, and IC 7.1-4-1-31.1~~ daily with the treasurer of state, and not later than the fifth day of the following month shall cover them into the enforcement and administration fund established under IC 7.1-4-10-1.



SECTION 25. IC 8-18-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) Except as provided in subsection (c), all expenses incurred in the maintenance of county highways shall be paid out of funds from the gasoline tax, special fuel tax, and the motor vehicle registration fees that are paid to the counties by the state, and from funds derived from the:

- (1) county motor vehicle excise surtax;
- (2) county wheel tax;
- (3) county adjusted gross income tax; **or**
- (4) county option income tax.
- ~~(5) riverboat admission tax (IC 4-33-12); or~~
- ~~(6) riverboat wagering tax (IC 4-33-13);~~

(b) Except as provided in subsection (c), no ad valorem property tax may be levied by any county for the maintenance of county highways, except in an emergency and by unanimous vote of the county fiscal body.

(c) The county fiscal body may appropriate money from the county general fund to the county highway department to pay for employees' personal services.

SECTION 26. IC 12-13-14-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.5. (a) Except as provided in this section, the division may distribute cash assistance benefits to a person who is eligible for assistance under the Title IV-A assistance program through an automated teller machine or a point of sale terminal that is connected to the EBT system.

(b) The division may approve or deny participation in the EBT system by a retailer that is not a food retailer.

(c) The division may not approve participation by a retailer or financial institution in the EBT system for distribution of cash assistance under the Title IV-A assistance program through an automated teller machine or a point of sale terminal located on the premises of any of the following:

- ~~(1) A horse racing establishment:~~
  - ~~(A) where the pari-mutuel system of wagering is authorized; and~~
  - ~~(B) for which a permit is required under IC 4-31-5.~~
- ~~(2) A satellite facility:~~
  - ~~(A) where wagering on horse racing is conducted; and~~
  - ~~(B) for which a license is required under IC 4-31-5.5.~~
- ~~(3) An allowable event required to be licensed by the department of state revenue under IC 4-32-7 or IC 4-32-9.~~
- ~~(4) A riverboat or other facility required to be licensed by the Indiana gaming commission under IC 4-33.~~
- ~~(5) (1) A store or other establishment:~~
  - ~~(A) where the primary business is the sale of firearms (as defined in IC 35-47-1-5); and~~
  - ~~(B) that sells handguns for which a license to sell handguns is required under IC 35-47-2.~~
- ~~(6) (2) A store or other establishment where the primary business is the sale of alcoholic beverages for which a permit is required~~



under IC 7.1-3.

(d) An establishment described in subsection (c)(1) through ~~(c)(6)~~ **(c)(2)** shall post a sign next to each automated teller machine or point of sale terminal located in the establishment informing a potential user that the automated teller machine or point of sale terminal may not be used to receive cash assistance benefits under the Title IV-A assistance program.

(e) An:

- (1) establishment that does not post the sign required under subsection (d); or
  - (2) individual who attempts to use an automated teller machine or point of sale terminal to access cash assistance benefits under the Title IV-A assistance program in violation of subsection (d);
- commits a Class C misdemeanor.

(f) The division shall adopt rules under IC 4-22-2 to carry out this section.

SECTION 27. IC 12-17-2-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 34. (a) When the Title IV-D agency finds that an obligor is delinquent and can demonstrate that all previous enforcement actions have been unsuccessful, the Title IV-D agency shall send, to a verified address, a notice to the obligor that includes the following:

- (1) Specifies that the obligor is delinquent.
- (2) Describes the amount of child support that the obligor is in arrears.
- (3) States that unless the obligor:

- (A) pays the obligor's child support arrearage in full;
- (B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the Title IV-D agency to pay the arrearage; or
- (C) requests a hearing under section 35 of this chapter;

within twenty (20) days after the date the notice is mailed, the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent and that the obligor's driving privileges shall be suspended.

- (4) Explains that the obligor has twenty (20) days after the notice is mailed to do one (1) of the following:

- (A) Pay the obligor's child support arrearage in full.
- (B) Request the activation of an income withholding order under IC 31-16-15-2 and establish a payment plan with the Title IV-D agency to pay the arrearage.
- (C) Request a hearing under section 35 of this chapter.

- (5) Explains that if the obligor has not satisfied any of the requirements of subdivision (4) within twenty (20) days after the notice is mailed, that the Title IV-D agency shall issue a notice to:

- (A) the board that regulates the obligor's profession or occupation, if any, that the obligor is delinquent and that the obligor may be subject to sanctions under IC 25-1-1.2, including suspension or revocation of the obligor's



professional or occupational license;

(B) the supreme court disciplinary commission if the obligor is licensed to practice law;

(C) the professional standards board as established by IC 20-1-1.4 if the obligor is a licensed teacher;

~~(D) the Indiana horse racing commission if the obligor holds or applies for a license issued under IC 4-31-6;~~

~~(E) the Indiana gaming commission if the obligor holds or applies for a license issued under IC 4-33;~~

~~(F)~~ **(D)** the commissioner of the department of insurance if the obligor holds or is an applicant for a license issued under IC 27-1-15.5 or IC 27-10-3; or

~~(G)~~ **(E)** the director of the department of natural resources if the obligor holds or is an applicant for a license issued by the department of natural resources under the following:

(i) IC 14-22-12 (fishing, hunting, and trapping licenses).

(ii) IC 14-22-14 (Lake Michigan commercial fishing license).

(iii) IC 14-22-16 (bait dealer's license).

(iv) IC 14-22-17 (mussel license).

(v) IC 14-22-19 (fur buyer's license).

(vi) IC 14-24-7 (nursery dealer's license).

(vii) IC 14-31-3 (ginseng dealer's license).

(6) Explains that the only basis for contesting the issuance of an order under subdivision (3) or (5) is a mistake of fact.

(7) Explains that an obligor may contest the Title IV-D agency's determination to issue an order under subdivision (3) or (5) by making written application to the Title IV-D agency within twenty (20) days after the date the notice is mailed.

(8) Explains the procedures to:

(A) pay the obligor's child support arrearage in full;

(B) establish a payment plan with the Title IV-D agency to pay the arrearage; and

(C) request the activation of an income withholding order under IC 31-16-15-2.

(b) Whenever the Title IV-D agency finds that an obligor is delinquent and has failed to:

(1) pay the obligor's child support arrearage in full;

(2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or

(3) request a hearing under section 35 of this chapter within twenty (20) days after the date the notice described in subsection (a) is mailed;

the Title IV-D agency shall issue an order to the bureau of motor vehicles stating that the obligor is delinquent.

(c) An order issued under subsection (b) must require the following:

(1) If the obligor who is the subject of the order holds a driving



license or permit on the date the order is issued, that the driving privileges of the obligor be suspended until further order of the Title IV-D agency.

(2) If the obligor who is the subject of the order does not hold a driving license or permit on the date the order is issued, that the bureau of motor vehicles may not issue a driving license or permit to the obligor until the bureau of motor vehicles receives a further order from the Title IV-D agency.

(d) The Title IV-D agency shall provide the:

- (1) full name;
- (2) date of birth;
- (3) verified address; and
- (4) Social Security number or driving license number;

of the obligor to the bureau of motor vehicles.

(e) When the Title IV-D agency finds that an obligor who is an applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under ~~IC 31-2-10-7~~ **IC 31-16-15-2**; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the board regulating the practice of the obligor's profession or occupation stating that the obligor is delinquent.

(f) An order issued under subsection (e) must direct the board regulating the obligor's profession or occupation to impose the appropriate sanctions described under IC 25-1-1.2.

(g) When the Title IV-D agency finds that an obligor who is an attorney or a licensed teacher is delinquent and the attorney or licensed teacher has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage or request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall notify the supreme court disciplinary commission if the obligor is an attorney, or the professional standards board if the obligor is a licensed teacher, that the obligor is delinquent.

~~(h) When the Title IV-D agency finds that an obligor who holds a license issued under IC 4-31-6 or IC 4-33 has failed to:~~

- ~~(1) pay the obligor's child support arrearage in full;~~
- ~~(2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or~~
- ~~(3) request a hearing under section 35 of this chapter;~~

the Title IV-D agency shall issue an order to the Indiana horse racing commission if the obligor holds a license issued under IC 4-31-6; or to the Indiana gaming commission if the obligor holds a license issued



under IC 4-33, stating that the obligor is delinquent and directing the commission to impose the appropriate sanctions described in ~~IC 4-31-6-11 or IC 4-33-8.5-3.~~

(~~h~~) (h) When the Title IV-D agency finds that an obligor who holds a license issued under IC 27-1-15.5 or IC 27-10-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the commissioner of the department of insurance stating that the obligor is delinquent and directing the commissioner to impose the appropriate sanctions described in IC 27-1-15.5-22 or IC 27-10-3-20.

(j) When the Title IV-D agency finds that an obligor who holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 has failed to:

- (1) pay the obligor's child support arrearage in full;
- (2) establish a payment plan with the Title IV-D agency to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2; or
- (3) request a hearing under section 35 of this chapter;

the Title IV-D agency shall issue an order to the director of the department of natural resources stating that the obligor is delinquent and directing the director to suspend or revoke a license issued to the obligor by the department of natural resources as provided in IC 14-11-3.

SECTION 28. IC 12-17-2-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 36. (a) As used in this section, "board" has the meaning set forth in IC 25-1-1.2-2.

(b) If an obligor holds a license issued by a board and requests a hearing under section 35 of this chapter but fails to appear or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the board that issued the obligor's license:

- (1) stating that the obligor is delinquent; and
- (2) requiring the board to comply with the actions required under IC 25-1-1.2-8(b).

(~~c~~) (c) If an obligor holds a license issued under ~~IC 4-31-6 or IC 4-33~~ and requests a hearing under section 35 of this chapter but fails to appear or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the:

- (~~1~~) (1) Indiana horse racing commission if the obligor holds a license issued under ~~IC 4-31-6~~; or
- (~~2~~) (2) Indiana gaming commission; if the obligor holds a license issued under ~~IC 4-33~~;

stating that the obligor is delinquent and requiring the commission to comply with the actions required under ~~IC 4-31-6-11 or IC 4-33-8.5-3.~~

(~~d~~) (c) If an obligor holds a license issued under IC 27-1-15.5 or IC 27-10-3 and requests a hearing under section 35 of this chapter but



fails to appear or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the commissioner of the department of insurance:

- (1) stating that the obligor is delinquent; and
- (2) requiring the commissioner to comply with the actions required under IC 27-1-15.5-22 or IC 27-10-3-20.

(e) If an obligor holds a license issued by the department of natural resources under IC 14-22-12, IC 14-22-14, IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 and requests a hearing under section 35 of this chapter but fails to appear, or appears and is found to be delinquent, the Title IV-D agency shall issue an order to the director of the department of natural resources:

- (1) stating that the obligor is delinquent; and
- (2) requiring the director to suspend or revoke a license issued by the department as provided in this section.

SECTION 29. IC 12-23-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. The addiction services fund is established for the deposit of excise taxes on alcoholic beverages as described in IC 7.1-4-11. ~~and taxes on riverboat admissions under IC 4-33-12-6.~~

SECTION 30. IC 12-23-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. The general assembly shall appropriate money from the addiction services fund solely for the purpose of funding programs:

- (1) that provide prevention services and intervention and treatment services for individuals who are psychologically or physiologically dependent upon alcohol or other drugs; and
- (2) for the prevention and treatment of gambling problems.

Programs funded by the addiction services fund must include the creation and maintenance of a toll free telephone line ~~under IC 4-33-12-6-(f)(3)~~ to provide the public with information about programs that provide help with gambling, alcohol, and drug addiction problems.

SECTION 31. IC 12-23-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. For each state fiscal year, the division may not spend more than an amount equal to five percent (5%) of the total amount received by the division from the fund established under section 2 of this chapter for the administrative costs associated with the use of money received from the fund. ~~The division shall allocate at least twenty-five percent (25%) of the funds derived from the riverboat admissions tax under IC 4-33-12-6 to the prevention and treatment of compulsive gambling.~~

SECTION 32. IC 20-5-6-9, AS ADDED BY P.L.17-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. (a) As used in this section, "public school endowment corporation" means a corporation that is:

- (1) organized under the Indiana Nonprofit Corporation Act of 1991 (IC 23-17);
- (2) organized exclusively for educational, charitable, and scientific purposes; and



(3) formed for the purpose of providing educational resources to:

(A) a particular school corporation or school corporations;

or

(B) the schools in a particular geographic area.

(b) As used in this section, "proceeds from riverboat gaming" means tax revenue received **before July 1, 2002**, by a political subdivision under IC 4-33-12-6, IC 4-33-13, or an agreement to share a city's or county's part of the tax revenue.

(c) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(d) A political subdivision may donate proceeds from riverboat gaming to a public school endowment corporation under the following conditions:

(1) The public school endowment corporation retains all rights to the donation, including investment powers.

(2) The public school endowment corporation agrees to return the donation to the political subdivision if the corporation:

(A) loses the corporation's status as a public charitable organization;

(B) is liquidated; or

(C) violates any condition of the endowment set by the fiscal body of the political subdivision.

(e) A public school endowment corporation may distribute both principal and income.

SECTION 33. IC 31-14-12-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. The Title IV-D agency shall provide the full name, date of birth, verified address, and Social Security number or driving license number of the person who is the subject of an order under:

(1) section 4 of this chapter to the bureau of motor vehicles;

(2) section 5 of this chapter to the board regulating the person's profession or occupation;

~~(3) section 6 of this chapter to the Indiana horse racing commission or the Indiana gaming commission; and~~

~~(4)~~ (3) section 7 of this chapter to the commissioner of the department of insurance.

SECTION 34. IC 33-3-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The tax court is a court of limited jurisdiction. The tax court has exclusive jurisdiction over any case that arises under the tax laws of this state and that is an initial appeal of a final determination made by:

(1) the department of state revenue with respect to a listed tax (as defined in IC 6-8.1-1-1); or

(2) the state board of tax commissioners.

(b) The tax court also has any other jurisdiction conferred by statute.

(c) The cases over which the tax court has exclusive original jurisdiction are referred to as original tax appeals in this chapter. The tax court does not have jurisdiction over a case unless:

(1) the case is an original tax appeal; or



(2) the tax court has otherwise been specifically assigned jurisdiction by statute.

(d) A taxpayer that appeals to the tax court shall, at the time the appeal is filed, elect to have all evidentiary hearings in the appeal conducted in one (1) of the following counties:

- (1) Allen County.
- (2) Jefferson County.
- (3) Lake County.
- (4) Marion County.
- (5) St. Joseph County.
- (6) Vanderburgh County.
- (7) Vigo County.

(e) A taxpayer that is an appellee in an appeal to the tax court shall, within thirty (30) days after it receives notice of the appeal, elect to have all evidentiary hearings in the appeal conducted in a county listed in subsection (d).

(f) The tax court does not have jurisdiction over a case that is an appeal from a final determination made by the department of state revenue under IC 4-32 other than a final determination concerning the gaming card excise tax established under IC 4-32-15 **(before its repeal)**.

SECTION 35. IC 33-3-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) A taxpayer who wishes to initiate an original tax appeal must file a petition in the tax court to set aside the final determination of the department of state revenue or the state board of tax commissioners. If a taxpayer fails to comply with any statutory requirement for the initiation of an original tax appeal, the tax court does not have jurisdiction to hear the appeal.

(b) A taxpayer who wishes to enjoin the collection of a tax pending the original tax appeal must file a petition with the tax court to enjoin the collection of the tax. The petition must set forth a summary of:

- (1) the issues that the petitioner will raise in the original tax appeal; and
- (2) the equitable considerations for which the tax court should order the collection of the tax to be enjoined.

(c) After a hearing on the petition filed under subsection (b), the tax court may enjoin the collection of the tax pending the original tax appeal, if the tax court finds that:

- (1) the issues raised by the original tax appeal are substantial;
- (2) the petitioner has a reasonable opportunity to prevail in the original tax appeal; and
- (3) the equitable considerations favoring the enjoining of the collection of the tax outweigh the state's interests in collecting the tax pending the original tax appeal.

(d) This section does not apply to a final determination of the department of state revenue under IC 4-32 other than a final determination concerning the gaming card excise tax established under IC 4-32-15 **(before its repeal)**.

SECTION 36. IC 34-30-2-6 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. IC 4-30-15-2 (Concerning the state, the state lottery commission, and officers and employees of the state lottery commission if an annuity is assigned to a lottery prize winner **before its repeal**).

SECTION 37. IC 36-1-14-1, AS AMENDED BY P.L.17-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) This section does not apply to donations of proceeds from riverboat gaming to a public school endowment corporation under IC 20-5-6-9.

(b) As used in this section, "riverboat gaming revenue" means tax revenue received **before July 1, 2002**, by a unit under IC 4-33-12-6, IC 4-33-13, or an agreement to share a city's or county's part of the tax revenue.

(c) Notwithstanding IC 8-1.5-2-6(d), a unit may donate the proceeds from the sale of a utility or facility or from a grant, a gift, a donation, an endowment, a bequest, a trust, or riverboat gaming revenue to a foundation under the following conditions:

- (1) The foundation is a charitable nonprofit community foundation.
- (2) The foundation retains all rights to the donation, including investment powers.
- (3) The foundation agrees to do the following:
  - (A) Hold the donation as a permanent endowment.
  - (B) Distribute the income from the donation only to the unit as directed by resolution of the fiscal body of the unit.
  - (C) Return the donation to the general fund of the unit if the foundation:
    - (i) loses the foundation's status as a public charitable organization;
    - (ii) is liquidated; or
    - (iii) violates any condition of the endowment set by the fiscal body of the unit.

SECTION 38. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2002]: IC 4-30-1; IC 4-30-2; IC 4-30-3; IC 4-30-4; IC 4-30-5; IC 4-30-6; IC 4-30-7; IC 4-30-8; IC 4-30-9; IC 4-30-10; IC 4-30-11; IC 4-30-12; IC 4-30-13; IC 4-30-14; IC 4-30-15; IC 4-30-16; IC 4-30-17-1; IC 4-30-17-2; IC 4-30-17-3; IC 4-30-17-4.1; IC 4-30-17-5; IC 4-30-17-6; IC 4-30-17-7; IC 4-30-17-7.5; IC 4-30-17-8; IC 4-30-17-9; IC 4-30-17-10; IC 4-30-18; IC 4-30-19; IC 4-31; IC 4-32; IC 4-33; IC 6-2.5-5-34; IC 6-3.1-17; IC 7.1-3-17.5; IC 7.1-3-17.7; IC 15-5-5.5; IC 31-14-12-6; IC 31-16-12-9; IC 35-45-5-5; IC 35-45-5-6; IC 35-45-5-7; IC 35-45-5-8; IC 35-45-5-10; IC 36-1-8-9.

SECTION 39. [EFFECTIVE JULY 1, 2002] (a) **As used in this SECTION, "commission" means the Indiana state lottery commission established under IC 4-30-3 (repealed by this act).**

(b) **Notwithstanding the repeal of IC 4-33 by this act, the commission shall remain in existence until the earlier of:**

- (1) **January 1, 2003; or**
- (2) **the date when, in the opinion of the director of the**



commission, the commission's business and affairs have concluded.

(c) The commission may only carry on business that is appropriate to concluding the commission's business and affairs, including the following:

- (1) Preserving, protecting, and collecting the commission's assets and minimizing the commission's liabilities.
- (2) Discharging or making provision for discharging the commission's liabilities and obligations.
- (3) Transferring personal property of the commission to the Indiana department of administration.
- (4) Transferring, after discharging the commission's liabilities and obligations, the commission's money to the general fund.
- (5) Doing every other act necessary to wind up and liquidate the commission's business and affairs.

(d) Dissolution of the commission does not:

- (1) transfer title of commission property;
- (2) subject the commission's members to standards of conduct different from those prescribed in IC 4-30 (repealed by this act); or
- (3) change:
  - (A) quorum or voting requirements for the commission's members; or
  - (B) provisions for selection, resignation, or removal of the commission's members.

(e) The repeal of a statute by this act does not affect:

- (1) the operation of the statute or any action taken under the statute before its repeal;
- (2) any ratification, right, remedy, privilege obligation, or liability acquired, accrued, or incurred under the statute before the statute's repeal;
- (3) any violation of the statute, or any penalty, forfeiture, or punishment incurred because of the violation, before the statute's repeal; or
- (4) any proceeding under the statute before the statute's repeal that may be completed, with the exception of granting licenses under IC 4-30, in accordance with the statute as if the statute had not been repealed.

(f) This SECTION expires January 2, 2003.

SECTION 40. [EFFECTIVE JULY 1, 2002] (a) As used in this SECTION, "commission" means the Indiana horse racing commission established under IC 4-31-3 (repealed by this act).

(b) Notwithstanding the repeal of IC 4-31 by this act, the commission shall remain in existence until the earlier of:

- (1) January 1, 2003; or
- (2) the date when, in the opinion of the director of the commission, the commission's business and affairs have concluded.

(c) The commission may only carry on business that is



appropriate to concluding the commission's business and affairs, including the following:

- (1) Preserving, protecting, and collecting the commission's assets and minimizing the commission's liabilities.
  - (2) Discharging or making provision for discharging the commission's liabilities and obligations.
  - (3) Transferring personal property of the commission to the Indiana department of administration.
  - (4) Transferring, after discharging the commission's liabilities and obligations, the commission's money to the general fund.
  - (5) Doing every other act necessary to wind up and liquidate the commission's business and affairs.
- (d) Dissolution of the commission does not:
- (1) transfer title of commission property;
  - (2) subject the commission's members to standards of conduct different from those prescribed in IC 4-31 (repealed by this act); or
  - (3) change:
    - (A) quorum or voting requirements for the commission's members; or
    - (B) provisions for selection, resignation, or removal of the commission's members.
- (e) The repeal of a statute by this act does not affect:
- (1) the operation of the statute or any action taken under the statute before its repeal;
  - (2) any ratification, right, remedy, privilege, obligation, or liability acquired, accrued, or incurred under the statute before the statute's repeal;
  - (3) any violation of the statute, or any penalty, forfeiture, or punishment incurred because of the violation, before the statute's repeal; or
  - (4) any proceeding under the statute before the statute's repeal that may be completed, with the exception of granting licenses under IC 4-33, in accordance with the statute as if the statute had not been repealed.
- (f) A bond recorded in the secretary of state's office under IC 4-31-3-6 (repealed by this act) must be released on the request of a commission member on the earlier of:
- (1) January 1, 2003; or
  - (2) the date when the commission's business and affairs have concluded.
- (g) This SECTION expires January 2, 2003.
- SECTION 41. [EFFECTIVE JULY 1, 2002] (a) As used in this SECTION, "commission" means the Indiana gaming commission established under IC 4-33-3 (repealed by this act).
- (b) Notwithstanding the repeal of IC 4-33 by this act, the commission shall remain in existence until the earlier of:
- (1) January 1, 2003; or
  - (2) the date when, in the opinion of the director of the



commission, the commission's business and affairs have concluded.

(c) The commission may only carry on business that is appropriate to concluding the commission's business and affairs, including the following:

- (1) Preserving, protecting, and collecting the commission's assets and minimizing the commission's liabilities.
- (2) Discharging or making provision for discharging the commission's liabilities and obligations.
- (3) Repaying with interest to the general fund the two million dollars (\$2,000,000) appropriated to the commission under P.L.277-1993(ss), SECTION 135.
- (4) Transferring personal property of the commission to the Indiana department of administration.
- (5) Transferring, after discharging the commission's liabilities and obligations, the commission's money to the general fund.
- (6) Doing every other act necessary to wind up and liquidate the commission's business and affairs.

(d) Dissolution of the commission does not:

- (1) transfer title of commission property;
- (2) subject the commission's members to standards of conduct different from those prescribed in IC 4-33 (repealed by this act); or
- (3) change:
  - (A) quorum or voting requirements for the commission's members; or
  - (B) provisions for selection, resignation, or removal of the commission's members.

(e) The repeal of a statute by this act does not affect:

- (1) the operation of the statute or any action taken under the statute before its repeal;
- (2) any ratification, right, remedy, privilege, obligation, or liability acquired, accrued, or incurred under the statute before the statute's repeal;
- (3) any violation of the statute, or any penalty, forfeiture, or punishment incurred because of the violation, before the statute's repeal; or
- (4) any proceeding under the statute before the statute's repeal that may be completed, with the exception of granting licenses under IC 4-33, in accordance with the statute as if the statute had not been repealed.

(f) A bond recorded in the secretary of state's office under IC 4-33-3-12 (repealed by this act) must be released on the request of a commission member on the earlier of:

- (1) January 1, 2003; or
- (2) the date when the commission's business and affairs have concluded.

(g) This SECTION expires January 2, 2003.

SECTION 42. [EFFECTIVE JULY 1, 2002] (a) Notwithstanding



**the repeal of IC 6-3.1-17 by this act, a credit under IC 6-3.1-17 may be allowed for a taxpayer that meets the requirements of IC 6-3.1-17 for taxable years that begin before January 1, 2003.**

**(b) This SECTION expires January 2, 2005.**

Renumber all SECTIONS consecutively.

(Reference is to HB 1729 as printed January 22, 2001.)

---

Representative KRUSE